

It didn't matter who you were, if you needed help, she was there. Her generosity knew no bounds.

All of us here today are a testimony to her life. Mary was as at ease with Governors, Bishops and Generals as she was with the regular folk. Individually, each of us represents a part of her life.

Well Mary, you have made our lives richer—serving as a teacher of how to treat people and have a passion for life. You made the world better because you have passed through it.

Although most didn't have a chance to say goodbye, every time you left Mary, your heart was a little warmer because you left with a piece of her heart.

As we help Mary to her rest today—close your eyes and think of how good Mary always made you feel about yourself.

Think of how Mary made you feel as if no one else in the world mattered but you.

Think of how Mary helped to make us work harder and be better than we ever thought we could be.

Close your eyes and think of how many times Mary got you to do the right thing—even when you didn't want to do it—and then made you believe it was your idea all along.

How fortunate are we, each one of us, to have been a part of Mary Brennan's life. We always felt safe with Mary. We knew that if anything went wrong Mary was there to fix it—to insure that things worked smoothly.

Now we are on our own. Sadness fills us today. But we are better because of Mary. We have smiled more because of Mary. And we will carry forward because that's what Mary would want.

And we can be happy for Mary that she is reunited with her Johnny. John Brennan who Mary so cherished.

Mike Ryan and I visited with Mary last Friday and she recalled the last book that John was working on before he passed away. She said she had to finish it to make the collection complete. Some of you may know that during my years as Governor, John Brennan painstakingly cut and catalogued a newspaper history of my terms of office.

Well John's been hard at work; cutting and cataloguing Mary's good deeds, her kindness, her courage and her love for her family. And John will make certain that St. Peter reads every single volume.

We love you Mary and we thank God for giving you to us.

[From the Providence Journal, Jan. 12, 1996]

MARY P. BRENNAN, FORMER DIRECTOR OF AIRPORT MARKETING, DIES AT 62

CUMBERLAND.—Mary P. Brennan, 62, who retired last month as marketing director for Green State Airport, died yesterday in Rhode Island Hospital.

Mrs. Brennan, who lived at 2 Hewes St., had been suffering from breast cancer.

She was the wife of the late John P. Brennan and the daughter of Mae Partington of Cumberland and the late Willard Partington.

Eugene Tansey, director of the state Airport Corporation, recalled on the occasion of Mrs. Brennan's retirement that it often would take her 30 minutes to make her way across the terminal because she would bump into so many people she knew.

"She knows everybody," Tansey remarked. "You can hear people yelling across the floor, 'Mary, Mary!'"

Linda Fischer worked with Mrs. Brennan when the two were executive aides to Gov. J. Joseph Garrahy. She recalled Mrs. Brennan as a stickler for detail.

"You'd always turn to her and you knew exactly what you asked would be done," Fischer said in an interview last month with M. Charles Bakst, Journal-Bulletin political

columnist. "There was never a time limit to the hours she would put in."

Mike Ryan, who served Garrahy as press secretary, said Mrs. Brennan always put in 150 percent of effort.

When asked why she worked so hard for so many years, she said, "If you care about people, you want to service them to the utmost." She said also that if "you start something right, you finish it right."

She said she valued loyalty above all other virtues. "When you make a commitment to someone, you keep it," she said.

Garrahy said her loyalty was to public service, and people came to depend upon her for that. "She was a public servant," the former governor said.

Mrs. Brennan was appointed to the Greater Providence-Warwick Convention & Visitors Bureau, but her tenure there fell prey to politics in November when both Mayor Vincent A. Cianci Jr. of Providence and Governor Almond sought her vote to break a tie in a struggle over whether Cianci or Almond would control the panel.

Mrs. Brennan was a state employee, but her brother, John J. Partington, was director of public safety for Cianci. She resolved the matter by resigning.

She also leaves another brother, Bill Partington, also of Cumberland, and two sons, Brian Brennan of Warwick and Sean Brennan of Cumberland.

The J.J. Duffy Funeral Home, 757 Mendon Rd., Cumberland, is handling funeral arrangements, which were incomplete last night.

[From the Woonsocket, RI, Call, Jan. 12, 1996]

MARY P. BRENNAN; LEADER IN STATE, CHARITY CONCERNS

CUMBERLAND.—Mrs. Mary P. (Partington) Brennan, 62, of 75 Hewes St., an executive in state positions for 25 years, died yesterday in Rhode Island Hospital, Providence. She was the wife of the late John P. Brennan.

Born Sept. 24, 1933, in Cumberland, a daughter of Mary C. (Hogan) Partington of Cumberland and the late Willard F. Partington, she was a lifelong town resident. She graduated from St. Xavier's Academy, Providence, in 1951 and the Ward Finishing School, Worcester, in 1954.

Mrs. Brennan was the marketing director for 11 years for the Rhode Island Airport Corp. at T.F. Green State Airport, Warwick, retiring last month.

Before that she was a station manager for Mohawk-Allegheny (USAir)—the first woman to hold that position in the country—at Logan Airport, Boston, from 1954 to 1960; owner of the Tradewinds Travel Agency, Providence, from 1960 to 1963; state coordinator of the Bicentennial celebration from 1971 to 1976; and an executive aide to Gov. J. Joseph Garrahy until 1984.

Mrs. Brennan recently was chairwoman of the Rhode Island Infrastructure Committee of the White House Conference on Travel/Tourism. She had served as chairwoman of the Governor's Advisory Council on Tourism, Discover New England and the Foundation for the Promotion of State Cultural Heritage; vice chairwoman of the Rhode Island Heritage Commission; vice president of New England USA Travel and Tourism; and a member of several other tourism organizations and commissions. She received the Governor's Award on Tourism in 1987.

She also contributed her time and experience to the Rhode Island 350th Celebration, Tall Ships Task Force, America's Cup Task Force, National and New England Governors conferences, Rhode Island Historical Society, Save the Bay and the January 1995 Inaugural Committee. She was president of the Rhode Island Heritage Hall of Fame.

Active in health and charity concerns, Mrs. Brennan led the Catholic Charity Fund Appeal for the state in 1988 and held memberships in numerous groups, including the Muscular Dystrophy Association, Leukemia Society, Rhode Island Cancer Coalition, Rhode Island Lung Association and Rhode Island Blood Center.

She was a member of the parish council at St. Patrick Church and past president of its Women's Club. She was a member of the Cumberland Crime Stoppers, Greater Providence Chamber of Commerce and the Girl Scouts of Rhode Island fundraising program.

Mrs. Brennan's wide-ranging efforts were recognized with many awards. In 1983 she received the Cumberland Business Association's Person of the Year award, the Italian Historical Society's Citizen award and the City of Newport's Civitas award.

The Papal Medal of the Cross was conferred on her in 1989, and the YWCA of Rhode Island deemed her its Outstanding Woman of 1995. She also has been cited by the Muscular Dystrophy Association, Leukemia Society, American Association of Retired Persons and the National Federation of the Blind.

She also is survived by two sons, Brian Brennan of Warwick and Sean Brennan of Cumberland; and two brothers, Providence Commissioner of Public Safety and former Cumberland Police Chief John J. Partington and Willard F. "Bill" Partington, both of Cumberland.

A Mass will be celebrated tomorrow at 11 a.m. at the Cathedral of SS. Peter and Paul, Cathedral Square, Providence. Burial will be in Resurrection Cemetery. Arrangements are under the direction of the J.J. Duffy Funeral Home, 757 Mendon Road.

ORPHANAGES IN CHINA

Mr. PELL. Mr. President, our attention should be drawn to a horrifying report issued this month by the respected human rights organization, Human Rights Watch/Asia, titled "Death by Default: A Policy of Fatal Neglect in China's State Orphanages." The allegations raised in "Death by Default" are more than a little disturbing; they are shocking. Mr. President, I ask that the report's "Summary and Recommendations" be submitted for the RECORD.

The report paints a grim picture of the lives of China's youngest, least fortunate citizens. With well-documented details from one institution—the Shanghai Children's Welfare Institute—and publicly available statistics for orphanages nationwide provided by China's Ministry of Civil Affairs, the report indicates that orphans in most of China's state-run institutions are living in horrible conditions with little hope for survival. Statistics provided by the Ministry allow Human Rights Watch to conservatively estimate a national death rate in China's orphanages of 25 percent. Critics of the report charge that terrible conditions and high death rates are to be expected in a developing country because of a lack of adequate funding, but "Death by Default" again uses official documents to show otherwise. The report shows, for example, that from 1989 to 1992 employees' salaries at state-run orphanages nationally increased at close to twice the rate of expenditures for the children. The question does not seem to be

one of having funding, but one of how that funding is used.

This report relies heavily on documents and pictures taken by a former doctor and a former inmate at the Shanghai Children's Welfare Institute for its most harrowing sections. It provides pictures of emaciated children and children tied to their beds, and stories of medical neglect, dying rooms, beatings and rapes by orphanage officials, and children carrying the corpses of other children to the orphanage's morgue. These nightmarish allegations are made worse by documented accounts of how the doctor and others tried in vain to raise the issue of conditions at the orphanage with city government officials. An investigation into the situation was apparently stonewalled and later stopped completely by senior officials. The report notes that conditions at the Shanghai Children's Welfare Institute have since improved remarkably and it is now open to visitors, even foreigners. But the report strongly indicates that the Shanghai No. 2 Social Welfare Institute, which is not open to the public, may be carrying on many of these same abuses.

Mr. President, I have not visited either of these institutes in China and cannot personally vouch for the accuracy of "Death by Default." But I can say that the evidence it presents to support its allegations is compelling enough for me to join Human Rights Watch/Asia in calling on government officials in Beijing to reopen the investigation into the Shanghai Children's Welfare Institute and to review conditions at state-run institutions nationally. I also urge the U.S. Embassy in Beijing to raise the issue of child welfare with Chinese Government officials at the highest levels. The U.S. Government cannot credibly claim to champion human rights issues globally if it ignores the brutal treatment of young children documented by this report.

This is not the first public report on the state of China's orphanages. The British Broadcasting Corporation and other media organizations have looked at conditions in them before. But I want to commend Human Rights Watch/Asia for again bringing this serious matter to public attention with such a carefully researched document. I hope it is widely read and its recommendations taken in Beijing.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

DEATH BY DEFAULT: A POLICY OF FATAL
NEGLECT IN CHINA'S STATE ORPHANAGES

I. SUMMARY AND RECOMMENDATIONS

China's Orphans and Human Rights

In response to widespread criticism of its human rights record, the Chinese government has frequently argued that the international community places too much emphasis on civil and political rights, while neglecting the more basic rights to food, shelter, and subsistence—rights which China claims to have secured for its citizens more effectively than some democratic countries. In accordance with the country's post-1949

political tradition, China's leaders assert that economic well-being forms the basis for the enjoyment of all other rights, and that the protection of economic rights can therefore justify restrictions on civil liberties.

In some important respects, China's record in protecting social and economic rights may serve as a model for the rest of the developing world. Levels of well-being, as measured by social indicators such as literacy and life expectancy, are considerably higher in China than in other countries at comparable stages of development, and in some cases higher than those in much wealthier nations.

But China's claim to guarantee the "right to subsistence" conceals a secret world of starvation, disease, and unnatural death—a world into which thousands of Chinese citizens disappear each year. The victims are neither the political activists nor the religious dissidents who dominate the international debate over human rights in the People's Republic; they are orphans and abandoned children in custodial institutions run by China's Ministry of Civil Affairs. This report documents the pattern of cruelty, abuse, and malign neglect which has dominated child welfare work in China since the early 1950s, and which now constitutes one of the country's gravest human rights problems.

Human Rights Watch/Asia has now pieced together at least a fragmentary picture of conditions for abandoned children throughout China, including staggering mortality rates for infants in state institutions and the persistent failure of official statistics to track the vast majority of orphans, whose whereabouts and status are unknown.

The evidence—largely official documents cited in detail below—indicates that the likelihood of survival beyond one year, for a newly admitted orphan in China's welfare institutions nationwide, was less than 50 percent in 1989. The documents also show that overall annual mortality at many of China's orphanages is far higher than that documented in any other country. In Romania in December 1989, for example, when foreigners first visited the grim state orphanages housing abandoned and handicapped children and were outraged by what they found there, a representative of the France-based humanitarian group Médecins du Monde stated that the 1989 death rate from infectious disease and neglect was 40 percent, in one home that was particularly abusive. In the Chinese provinces of Fujian, Shaanxi, Guangxi and Henan, overall annual mortality among institutionalized orphans that year ranged from 59.2 percent to 72.5 percent.

When sustained over an extended period, moreover, any of the above annual rates means far higher actual mortality. We estimate that in China's best-known and most prestigious orphanage, the Shanghai Children's Welfare Institute, total mortality in the late 1980s and early 1990s was probably running as high as 90 percent; even official figures put the annual deaths-to-admissions ratio at an appalling 77.6 percent in 1991, and partial figures indicate an increase in 1992. Neither institutional welfare policy nor the size of the orphanage system have changed notably since then, while the crisis of abandoned children continues unabated, due in part to China's one-child policy. In the case of Shanghai, there have been cosmetic improvements at the orphanage itself since 1993, designed to encourage foreign adoption, but there is evidence that many disabled infants and children are now simply transferred to a facility outside the city, where access for outsiders is extremely rare and where, according to numerous reports received by Human Rights Watch/Asia, the children are grossly mistreated.

Unlike their Romanian counterparts, the management and staff of China's orphanages cannot claim that their shortcomings result from a lack of funding or from inadequately paid employees. Dispelling a misconception reflected in nearly all Western media coverage of the issue to date, Human Rights Watch/Asia's research confirms that many Chinese orphanages, including some recording death rates among the worst in the country, appear to enjoy more than sufficient budgets, including adequate wages, bonuses, and other personnel-related costs. Expenses for children's food, clothing, and other necessities, however, are extremely low in institutions throughout the country.

The crisis, both nationwide and in Shanghai, is known to the top leadership of China's Ministry of Civil Affairs. Conditions at the Shanghai orphanage are well known to the local political elite and by members of the Politburo. But the government reaction has been to maintain a facade of normalcy, to punish dissenters who have sought to expose abuses and, in certain crucial cases, to promote those responsible for the abuses.

A Nationwide Crisis

Abandonment of children surged in China during the 1980's, in part due to the one-child population control policy and in part due to policies restricting adoption by Chinese couples who are not childless. The national statistics on mortality cited in this report do not contain a gender breakdown, but anecdotal and journalistic reporting on orphanages nationwide reveals that the vast majority of children in orphanages are, and consistently have been during the past decade, healthy infant girls; that is, children without serious disabilities who are abandoned because of traditional attitudes that value boy children more highly. The financial and social problems that these children are perceived to constitute are made more acute by the fact that Chinese couples are not permitted to adopt them, for the most part.

Reports of inhumane conditions in Chinese orphanages have attracted growing international concern in recent years, prompted chiefly by the country's greater openness to foreign press coverage and charitable work financed from abroad, as well as a dramatic increase in overseas adoptions from the People's Republic. Although some scattered allegations have succeeded in bringing to light grave abuses against China's orphans, there has been virtually no effort to place these charges in context through systematic research on the country's institutional welfare system.

The Chinese government's own statistics reveal a situation worse than even the most alarming Western media reports have suggested. In 1989, the most recent year for which nationwide figures are available, the majority of abandoned children admitted to China's orphanages were dying in institutional care. Many institutions, including some in major cities, appeared to be operating as little more than assembly lines for the elimination of unwanted orphans, with an annual turnover of admissions and deaths far exceeding the number of beds available.

In any case, the majority of abandoned children in China never reach the dubious security of a state-run orphanage. Many are sent instead to general-purpose state institutions, where they are confined indiscriminately with retarded, disabled, elderly, and mentally disturbed adults. Although the statistical evidence is unclear, the limited eyewitness information available suggests that death rates among children held in these facilities may be even higher than in China's specialized orphanages.

In addition, Chinese official records fail to account for most of the country's abandoned

infants and children, only a small proportion of whom are in any form of acknowledged state care. The most recent figure provided by the government for the country's orphan population, 100,000 seems implausibly low for a country with a total population of 1.2 billion. Even if it were accurate, however, the whereabouts of the great majority of China's orphans would still be a complete mystery, leaving crucial questions about the country's child welfare system unanswered and suggesting that the real scope of the catastrophe that has befallen China's unwanted children may be far larger than the evidence in this report documents.

Evidence From Shanghai

In addition to nationwide statistics on the condition of China's institutionalized children, Human Rights Watch/Asia has recently obtained a large quantity of internal documentation from one of the most prominent specialized orphanages in the country, the Shanghai Children's Welfare Institute. Based on these documents, which include medical records and other official files recording the deaths of hundreds of children, and on the testimony of direct witnesses who left China in 1995, Human Rights Watch/Asia has concluded that conditions at the Shanghai orphanage before 1993 were comparable to those at some of the worst children's institutions in China, several of which have already been exposed in journalistic accounts in the West. Since 1993, a program of cosmetic "reforms" has transformed the Shanghai Children's Welfare Institute into an international showcase for China's social policies, while an administrative reorganization of the city's welfare system has largely concealed the continuing abuse of infants and children.

Ironically, the Chinese government has praised Shanghai's municipal orphanage extensively as a national model for the care of abandoned and disabled children. In addition to frequent flattering coverage in China's official media, the Shanghai Children's Welfare Institute receives considerable financial support from Chinese and international charities and hosts a steady stream of private and official visitors. Behind the institution's glossy official image, however, lies a pattern of horrifying abuse. The brutal treatment of orphans in Shanghai, which included deliberate starvation, torture, and sexual assault, continued over a period of many years and led to the unnatural deaths of well over 1,000 children between 1986 and 1992 alone. This campaign of elimination could be kept secret through the complicity of both higher- and lower-level staff, and because the city's Bureau of Civil Affairs, responsible for the orphanage, also runs the crematoria, where starved children's corpses were disposed of with minimum oversight, often even before a death certificate has been filled out by the attending physician. In addition, officials of various Shanghai municipal agencies knowingly suppressed evidence of child abuse at the orphanage, persistently ignored the institute's high monthly death figures, and in 1992, quashed an investigation into orphanage practices.

Conditions in the Shanghai orphanage came close to being publicly exposed in the early 1990s as a result of pressure by concerned orphanage employees, local journalists and sympathetic Shanghai officials. By 1993, however, virtually all the critical staff members were forced out of their positions and silenced. The orphanage leadership was assisted in its efforts to cover up the truth by three of the city's top leaders: Wu Bangguo, Shanghai's Communist Party secretary; Huang Ju, the city's mayor; and Xie Lijuan, deputy mayor for health, education, and social welfare. Wu, Huang, and Xie were

fully informed of the abuses occurring at the Children's Welfare Institute, but took no action to halt them or to punish those responsible, acting instead to shield senior management at the orphanage and to prevent news of the abuses from reaching the public. Meanwhile, Wu Bangguo and Huang Ju have risen to positions of national prominence in China's ruling Politburo.

The cosmetic changes at the Shanghai orphanage since 1993 have been engineered by Han Weicheng, its former director. Although he was a major perpetrator of abuses there, Han was promoted to an even more senior position within the municipal welfare bureaucracy. At about the same time, the orphanage was opened to visitors and large numbers of children from the city's orphanage began to be transferred to another custodial institution, the Shanghai No. 2 Social Welfare Institute. Located on Chongming Island, a remote rural area north of Shanghai, the No. 2 Social Welfare Institute, which is ostensibly a home for severely retarded adults, has been transformed since 1993 into a virtual dumping ground for abandoned infants delivered to the orphanage. While the city government has aggressively promoted the adoption of healthy or mildly disabled orphans by visiting foreigners, reports from visitors to the orphanage in 1995 indicate that infants with more serious handicaps are generally diverted to the Chongming Island institution within weeks or months of their arrival. Human Rights Watch/Asia has not been able to ascertain the mortality rates of children at the No. 2 Social Welfare Institute, but has collected credible reports of severe mistreatment and of staff impunity. Extreme secrecy surrounds the functioning of the Chongming Island institution, raising serious suspicions and fears as to the likely fate of children transferred there.

Perversion of Medical Ethics

Some Western observers have charged that the phenomenally high death rates among China's abandoned children result from neglect and lack of medical training on the part of orphanage employees. Anecdotal evidence from foreign charity workers and adoptive parents has painted a grim picture of decrepit and poorly financed institutions run by demoralized and unskilled nursing staff.

However, medical records and testimony obtained by Human Rights Watch/Asia show that deaths at the Shanghai orphanage were in many cases deliberate and cruel. Child-care workers reportedly selected unwanted infants and children for death by intentional deprivation of food and water—a process known among the workers as the "summary resolution" of children's alleged medical problems. When an orphan chosen in this manner was visibly on the point of death from starvation or medical neglect, orphanage doctors were then asked to perform medical "consultations" which served as a ritual marking the child for subsequent termination of care, nutrition, and other life-saving intervention. Deaths from acute malnutrition were then, in many cases, falsely recorded as having resulted from other causes, often entirely spurious or irrelevant conditions such as "mental deficiency" and "cleft palate."

The vast majority of children's recorded at the Shanghai orphanage thus resulted not from lack of access to medical care but from something far more sinister: an apparently systematic program of child elimination in which senior medical staff played a central role. By making unfounded diagnoses of mental retardation and other disorders, these doctors have helped to disseminate the widespread belief—which appears to be quite inaccurate—that virtually all of China's

abandoned children are physically or mentally handicapped. Worse, the Shanghai orphanage's medical staff then used these supposed disabilities as a justification for eliminating unwanted infants through starvation and medical neglect. Such unconscionable behavior by doctors in China's most advanced and cosmopolitan city points to an ethical crisis of immense proportions in the country's medical profession.

This corruption of medical ethics reflects broader trends in Chinese law and health policy, including recent debates in the National People's Congress, the country's nominal legislature, on legalizing euthanasia for the incapacitated elderly. Official press reports indicate that the Chinese government may also have given serious consideration to allowing euthanasia for handicapped children, but has declined to do so for fear of the international repercussions. The medical evidence suggests, however, that just such pseudo-eugenic practices may have been carried out at the Shanghai Children's Welfare Institute. At the very least, the city's abandoned infants, even when not genuinely disabled, became the victims of a policy of deliberate and fatal neglect resulting in their wholesale death by default.

Reports from the Shanghai orphanage also indicate that medical staff there misused their authority in other ways. In several cases, children who were accused of misbehavior or were in a position to expose abuses at the orphanage were falsely diagnosed as "mentally ill" and transferred to psychiatric hospitals against their will; in one case, a teenage girl named Chou Hui was imprisoned for four months to prevent her from testifying that she had been raped by orphanage director Han Weicheng. Many other children were given powerful drugs without any apparent medical justification, in order to control their behavior. Human Rights Watch/Asia calls on the leaders of the Chinese medical profession to denounce these gross ethical violations and to take urgent steps to improve standards of medical ethics in China.

The Need For A Worldwide Response

The enormous loss of life occurring in China's orphanages and other children's institutions calls for immediate action by the international community. The United Nations and its specialized agencies must take the lead in investigating conditions in China's child welfare system and in bringing these abuses to an end. Governments throughout the world must make the treatment of China's abandoned children one of their highest priorities as they continue to press for improvements in the country's human rights record.

The People's Republic of China ratified the United Nations Convention on the Rights of the Child in December 1991, and submitted its first implementation report to the U.N. Committee on the Rights of the Child in 1994. The Chinese government has thus submitted itself voluntarily to international monitoring on the treatment of its minor citizens. Nevertheless, the evidence compiled in this report shows that China's policies towards abandoned infants and children are in clear violation of many articles of the convention. Human Rights Watch/Asia urges the Committee on the Rights of the Child to place conditions in the Chinese child welfare system at the top of its agenda for the coming year. Specialized agencies working on children's issues in China, such as the United Nations Children's Fund (UNICEF) and the World Health Organization, should also make a thorough reform of the country's orphanage system their highest priority. We further call for an immediate investigation into abuses against institutionalized children in China by the Special Rapporteur on

Extrajudicial Executions, who investigates patterns of deliberate state action resulting in death.

Action by the United Nations and its agencies must be accompanied by a strong response from national governments. Bilateral pressure on China to ensure the rights of abandoned infants and children should be given at least as high a priority as demands to free political and religious detainees or to end torture and ill-treatment in the country's prisons. Protecting the lives of China's orphans must remain at the top of the agenda in any future human rights dialogue with the Chinese authorities.

Despite the Chinese government's generally hostile attitude towards Western human rights organizations, Human Rights Watch/Asia believes that many government and Communist Party officials will recognize the need for immediate action to resolve this humanitarian crisis. Other branches of the Chinese government must hold the Ministry of Civil Affairs and its officials fully accountable for the atrocities being committed against China's orphans. Human Rights Watch/Asia calls on the authorities to take immediate steps to bring an end to these abuses and offers its full cooperation to the Chinese authorities in formulating the necessary reforms. A list of the organization's recommendations follows.

Ending Impunity in Shanghai

Most Chinese citizens familiar only with official media reports on the Shanghai Children's Welfare Institute accept the authorities' claim that conditions for the city's orphans are exemplary. This report shows that the fate of most abandoned children in Shanghai is, in fact, much the same as elsewhere in China. Until 1993, the majority of infants brought to the institute died there within a few months of arrival, and the minority who survived to older childhood were subject to brutal abuse and neglect.

Indeed, the only genuinely unique feature of the Shanghai orphanage appears to be its success since 1993 at generating revenue for the municipal Civil Affairs Bureau. The city's newly reorganized child welfare system now presents the municipal orphanage as its acceptable public face, serving as an advertisement for both charitable giving and profitable foreign adoptions, and a ban on negative media coverage of the Children's Welfare Institute has been in force since 1992.

Human Rights Watch/Asia believes that the spectacular financial success of the Shanghai policies is the real motive behind official praise of the city's child welfare system as a national model. We fear that efforts to duplicate the Shanghai experience elsewhere in China are likely to further worsen conditions for the country's abandoned children, and to strengthen the vested interest of the Ministry of Civil Affairs in obstructing genuine reforms.

Any attempt to improve the treatment of Chinese orphans must therefore begin by reopening the official investigation into misconduct within the Shanghai Civil Affairs Bureau, launched in 1991 and abruptly terminated the following year. Above all, such an inquiry would seek the widest possible publicity for any evidence of wrongdoing uncovered and would pursue appropriate legal sanctions against bureau employees found responsible for abusing children and causing avoidable deaths.

Such an inquiry will confront the fact that a number of people associated directly or indirectly with abuses at the Shanghai orphanage continue to hold positions of authority, and many have since been promoted or otherwise risen in status. The beneficiaries of this apparent impunity range from ordinary staff members such as the child-care worker

Xu Shanzhen, certified as a "model worker" in early 1995 despite her brutal abuse of a retarded child, to the former Communist Party secretary of Shanghai, Wu Bangguo, who reportedly ordered media coverage of the scandal suppressed and has since been appointed vice-premier of China.

However, these obstacles make it all the more imperative that swift action be taken at the most senior levels to break the cycle of impunity. Human Rights Watch/Asia urges the Chinese authorities to take the following immediate steps:

(1) The highest government and Communist Party officials in the country should publicly state their determination to investigate unnatural deaths and abuse of children in welfare institutions run by the Shanghai Civil Affairs Bureau.

To demonstrate this commitment, the authorities should immediately reopen the 1991 inquiry into conditions at the Shanghai Children's Welfare Institute. The leadership of the new investigation should be entirely independent of both the Shanghai municipal government and the Ministry of Civil Affairs. Such an inquiry could be led by a specially appointed committee of delegates to the National People's Congress or the Chinese People's Political Consultative Conference. Members of the committee should include medical and legal professionals and should be drawn from throughout the country.

Pending the outcome of the investigation, all management personnel at the institution should be suspended from their positions and replaced by an independent leadership group, preferably including a number of qualified medical doctors, which would aid the authorities in gathering evidence about conditions at the orphanage. Administrative authority over the city's custodial welfare system should be temporarily transferred from the Shanghai Civil Affairs Bureau to another government department, possibly the Shanghai Public Health Bureau.

(2) The authorities should emphasize that institute staff members implicated in criminal offenses against children, including murder, rape, assault, sexual abuse, and financial corruption, will be tried and punished according to Chinese law. Criminal penalties should be applied as well to those responsible for administrative violations, such as falsification of medical records and unlawful disposal of corpses, which constitute, among others, the crime of "dereliction of duty" (*duzhi zui*) under China's Criminal Code.

In reopening the investigation, the authorities should place particular emphasis on the practices of "summary resolution" before 1993, whereby children were intentionally killed through deprivation of food and medical care. Public statements by senior officials should stress that all such incidents, where they can be verified, will be prosecuted to the full extent under Chinese law.

(3) The scope of the investigation should be extended beyond the original terms of the inquiry launched in 1991, and should examine evidence of complicity by senior Shanghai officials in shielding the management of the Children's Welfare Institute. Criminal charges of "dereliction of duty" should be brought against present and former city officials who appear to have knowingly suppressed evidence of child abuse at the orphanage. Among the officials so implicated, in official documents cited in this report, are Wu Bangguo, the former Communist Party secretary of Shanghai; Huang Ju, Shanghai's former mayor; Xie Lijuan, the city's deputy mayor, and Sun Jinfu, director of the Shanghai Civil Affairs Bureau.

(4) The investigation should also examine the legal culpability of other official bodies

in Shanghai which helped to conceal misconduct within the Civil Affairs Bureau, in the process implicating their own officials in possible criminal acts. At a minimum, these include:

The Shanghai Public Security Bureau, for allowing the Children's Welfare Institute to disobey regulations governing the reporting of unnatural deaths; for unlawfully detaining and intimidating Chou Hui, the plaintiff in a rape case against the then-director of the orphanage, Han Weicheng; and for failing to investigate the orphanage employees accused of assaulting Chen Dongxian, a driver at the Shanghai orphanage;

The Shanghai Public Health Bureau, for failing to investigate the extremely high monthly death figures reported from the Children's Welfare Institute over a period of years;

The Shanghai Supervision Bureau, for suppressing evidence obtained during an eight-month-long inquiry that it carried out into conditions at the children's Welfare Institute in 1991 and 1992.

(5) The investigation should urgently examine the present situation at the Shanghai No. 2 Social Welfare Institute, including evidence of unlawful practices such as the detention of mentally normal adults against their will, and, the use of disciplinary measures constituting torture or ill-treatment. Special attention should also be paid to conditions for infants and young children secretly transferred to the Chongming Island institute since 1993, and should seek to determine whether the killing of infants through "summary resolution" or other similar methods is presently occurring there. A criminal investigation should be opened into the alleged rape and murder of a twenty-nine-year-old woman, named Guang Zi, at the facility in August 1991.

(6) The municipal Propaganda Department should lift its present ban on critical coverage of events at the Children's Welfare Institute, and invite journalists familiar with conditions at the orphanage to publish any information which might assist the authorities in their investigation. The progress of the official inquiry, including any resulting criminal prosecutions, should be publicized without restraint by local and national media.

Public Accountability

Despite the urgent need to resolve these outstanding problems in Shanghai, the above measures represent only the first stage of what should be a nationwide campaign to improve conditions for children in China's welfare institutes. A critical factor in the success of any such effort will be the Chinese government's willingness to expose these institutions to intensive public scrutiny, not only from concerned foreigners but, even more importantly, from China's own citizens. The deceptive policy of "openness" introduced by the Shanghai Children's Welfare Institute in 1993 must be replaced by genuine transparency in order to prevent future abuses from going undetected.

Human Rights Watch/Asia believes the following measures are likely to produce immediate and substantial improvements in the quality of care for children in state custody, even without fundamental reforms in management and law:

(1) The Ministry of Civil Affairs should immediately publish comprehensive statistics on the scale of China's child abandonment problem. These should give detailed figures on the number of abandoned infants and children discovered in each Chinese province in recent years, as well as the number of such children offered up for legal adoption, fostered with private families, and placed in institutional care.

The ministry should also publish a list of all custodial institutions in China which care for unsupported minors, including specialized orphanages, urban "social welfare institutes," and collectively run "respecting-the-aged homes" in rural areas. The list should include the location of each institution and its population on a specified date, as well as all available statistics on child intake and mortality rates in recent years. In future, such basic population statistics for each institution should be published on an annual basis.

Since most abandoned infants and children in China are delivered to the civil affairs authorities by local police departments and hospitals, the Ministry of Public Security and the Ministry of Public Health should begin compiling and publishing regular statistics on child abandonment, including the sex and estimated age of each child discovered. This will provide an independent check on the accuracy of intake figures submitted to the Ministry of Civil Affairs by individual institutions, and will prevent the under-reporting of intakes which allegedly took place in Shanghai during the 1980s.

(2) The Ministry of Civil Affairs should make public its policy on "fostering" orphans and abandoned children in private family care, including details of the screening process, if any, for prospective foster parents, and of monitoring procedures aimed at ensuring that fostered children are treated humanely.

(3) The propaganda organs of the Communist Party should publicize the severe problems in Shanghai's child welfare system, and instruct the state-controlled media throughout China to investigate conditions for children in welfare institutions within their own area of coverage. The Ministry of Civil Affairs should ensure that journalists participating in these investigations receive full cooperation from institute staff, including unrestricted access to all children in each institution. Any abusive or negligent conditions uncovered during the course of journalists' inquiries should be publicly exposed and promptly remedied. Objective reporting on conditions in China's child welfare system should remain a priority indefinitely.

Welfare institutes should permit unscheduled visits by local residents, including both Chinese and foreign nationals. Local civil affairs authorities should encourage public involvement in the care of orphans, particularly by qualified medical personnel.

The United Nations Children's Fund (UNICEF) and established private children's charities from overseas should be granted access on a regular basis to all welfare institutions holding minors.

Management Reforms

Although the steps outlined above are likely to bring about a sharp reduction of some of the worst abuses within the child welfare system, basic changes in institutional management are equally important in order to guarantee that these initial improvements last. These include administrative measures to strengthen the outside monitoring of children's treatment, as well as improvements in the selection, training and discipline of institute staff. Human Rights Watch/Asia recommends that the Chinese authorities undertake the following reforms:

The leadership of the Ministry of Civil Affairs should publicly state its commitment to improving conditions for institutionalized children, and should emphasize that the directors of welfare institutes and other management-level staff will be evaluated primarily on their success in reducing children's death rates to an absolute minimum. The directors of welfare institutes where

child mortality rates appear to be higher than expected, given normal levels of care, should be subject to investigation and dismissed if mismanagement is shown to be a contributing factor.

The Ministry of Civil Affairs should immediately begin reorganizing its custodial welfare system to ensure that minors and adults are kept in separate institutions. The use of all-purpose "social welfare institutes" to warehouse orphans and other incapacitated persons should be ended as soon as practically possible.

(3) The Ministry of Civil Affairs should cooperate with the Ministry of Public Health and the Ministry of Public Security to ensure that staff of welfare institutions strictly follow all rules and other legal requirements regarding the reporting of inmates' deaths. All deaths of minors in institutional care should be treated as potentially unnatural, and hence subject to reporting, investigation and documentation requirements of the Public Security Bureau, as well as independent autopsies by qualified medical personnel affiliated with the Bureau of Public Health. Local health bureaus which are notified of a significant number of children's deaths in welfare institutions within their jurisdiction should immediately call for an investigation by local authorities.

(4) The Ministry of Civil Affairs should promulgate strict rules prohibiting the abuse of children in welfare institutions, such as excessive corporal punishment, tying of children's limbs, medically unjustified use of drugs to control children's behavior, and all forms of paid or unpaid child labor. The ministry should also promulgate a formal disciplinary policy to be applied by institute management in cases of misconduct by junior staff.

(5) All staff at custodial welfare institutes should undertake a period of formal training, aimed at impressing on newly assigned employees that the protection of inmates' well-being is of paramount importance. Ordinary child-care workers should be trained in basic first-aid techniques, particularly to respond to cases of choking and accidental injuries, and in appropriate feeding methods for infants and small children, especially those with disabilities.

(6) Welfare institutes should be staffed with, or (where personnel shortages cannot be resolved) be provided with full and regular outside consultancy services by, an adequate number of fully qualified medical professionals, including specialists in pediatrics. Doctors whose medical educations were interrupted, for example during the Cultural Revolution, should not be employed as institute medical staff unless they have completed the necessary remedial coursework.

(7) The surgical repair of harelips, cleft palates and other correctable birth defects should be one of the highest medical priorities for welfare institutes and cooperating local hospitals. Abandoned infants requiring these relatively inexpensive procedures should receive them as soon as medically advisable, and should be given individual attention in the meantime to ensure that they remain adequately nourished.

(8) Infants and small children should not be classified as "mentally retarded" until they are old enough to undergo appropriate psychological tests. Training programs for child-care workers should emphasize the importance of individual care, attention and stimulation for infants' normal mental development.

Legislative Reforms

The phenomenon of child abandonment is not unique to China, and many of the factors which lead parents to abandon their children are beyond the government's power to rem-

edy, at least in the short term. Rural poverty, prejudice against the disabled, traditional attitudes towards female children, and the pressures generated by the country's stringent population policy all contribute to the problem. It must be stressed, however, that whatever the reasons for the orphanhood or abandonment, once such children are accepted into state care, the government has an unshirkable duty to provide them with adequate care and protection.

For the foreseeable future, China will need to maintain a system of state-run foster care for some orphans, particularly the severely disabled. However, Human Rights Watch/Asia believes that relatively minor legislative changes would enable most children now living in welfare institutions to be placed for adoption with Chinese families. An effective domestic adoption program would eliminate the need for institutional care for virtually all of China's abandoned children.

Human Rights Watch/Asia urges the Chinese authorities to take the following steps:

(1) China's "Adoption Law" and its implementing regulations should be amended to abolish the legal distinction between "orphans" and "abandoned infants." The provisions of the adoption law which prohibit adults under age thirty-five and couples with children from adopting abandoned infants without handicaps, and which prohibit foster parents from adopting more than one abandoned child, should be repealed.

(2) The State Commission for Family Planning should issue instructions to local family planning authorities, expressly prohibiting any interference in the adopting of children from welfare institutions.

(3) The propaganda organs of the Communist Party should publicize changes in the country's adoption policy through the official media. Both the media and the State Commission for Family Planning should actively promote the adoption of orphans as an alternative for couples seeking larger families than China's population policies allow.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting five withdrawals and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 5:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1124) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the House has passed the following bills, in